

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

CALIFORNIA DEMOCRATIC PARTY; ERIC BAUMAN; and DOES 1 through 50, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

KATHERINE P. EARLEY; WILLIAM RODRIGUEZ-KENNEDY AND
ALTON WANG,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JAN 15 2019

Sherri R. Carter, Executive Officer/Clerk
By: Glorietta Robinson, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Los Angeles Superior Court
111 N Hill Street
Los Angeles, California 90012

CASE NUMBER:
(Número del Caso):

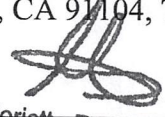
19STCV01106

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Law Office of Esperanza Cervantes Anderson, 1037 N Allen Ave., Pasadena, CA 91104, Tel (626) 219-6773

DATE: **JAN 15 2019**
(Fecha)

SHERRI R. CARTER

Clerk, by
(Secretario)


Glorietta Robinson

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

Esperanza Cervantes Anderson | SBN 197953
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1037 N. Allen Avenue
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Superior Court of California
County of Los Angeles

JAN 15 2019

Attorney for Plaintiffs
KATHERINE P. EARLEY; WILLIAM
RODRIGUEZ-KENNEDY and ALTON WANG

Sherri R. Carter, Executive Officer/Clerk
By: Glorietta Robinson, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

KATHERINE P. EARLEY; WILLIAM
RODRIGUEZ-KENNEDY and ALTON
WANG,

Plaintiffs,

v.

CALIFORNIA DEMOCRATIC PARTY;
ERIC BAUMAN; and DOES 1 through 50,
inclusive,

Defendants.

Case No. **19STCV01106**

COMPLAINT FOR DAMAGES FOR:

- 1. SEXUAL HARASSMENT IN VIOLATION OF FEHA**
- 2. DISCRIMINATION ON THE BASIS OF SEX IN VIOLATION OF FEHA**
- 3. FAILURE TO PREVENT DISCRIMINATION AND HARASSMENT IN VIOLATION OF FEHA**
- 4. RETALIATION IN VIOLATION OF FEHA**
- 5. WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**
- 6. ASSAULT**
- 7. SEXUAL ASSAULT AND BATTERY**
- 8. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
- 9. NEGLIGENT RETENTION AND SUPERVISION**

DEMAND FOR JURY TRIAL

LAW OFFICE OF ESPERANZA CERVANTES ANDERSON
PASADENA, CALIFORNIA

1 Plaintiffs KATHERINE P. EARLEY; WILLIAM RODRIGUEZ-KENNEDY and
2 ALTON WANG complain and allege as follows:

3 **PARTIES**

4 1. Plaintiff KATHERINE P. EARLEY ("KATE") is a female resident of the County
5 of Sacramento, State of California.

6 2. Plaintiff WILLIAM RODRIGUEZ-KENNEDY ("WILL") is a male resident of the
7 County of San Diego, State of California.

8 3. Plaintiff ALTON WANG ("ALTON") is a male resident of the County of Los
9 Angeles, State of California.

10 4. PLAINTIFF is informed and believes that at all times herein mentioned,
11 Defendant CALIFORNIA DEMOCRATIC PARTY ("CDP") has its headquarters in 1830 9th
12 Street, Sacramento, California 95811. The CDP is an employer pursuant to Government Code
13 §12926 and was subject to the California Fair Employment and Housing Act ("FEHA") at all
14 times alleged herein. The CDP employs numerous employees throughout the State of California,
15 including the counties of Los Angeles, San Diego and Sacramento, and is within the jurisdiction
16 of this court.

17 5. PLAINTIFF is informed and believes that at all times herein mentioned,
18 Defendant ERIC BAUMAN ("BAUMAN") is a male resident of the County of Los Angeles and
19 is within the jurisdiction of this court.

20 6. PLAINTIFFS are ignorant of the true names and capacities, whether individual,
21 corporate, or associate, of those defendants fictitiously sued as DOES 1 through 50 inclusive and
22 so PLAINTIFFS sue them by these fictitious names. PLAINTIFFS are informed and believe that
23 each of the DOE defendants resides in the State of California and is in some manner responsible
24 for the conduct alleged herein. Upon discovering the true names and capacities of these
25 fictitiously named Defendants, PLAINTIFFS will amend this complaint to show the true names
26 and capacities of these fictitiously named defendants.

27 7. Unless otherwise alleged in this complaint, PLAINTIFFS are informed, and on the
28 basis of that information and belief allege, that at all times herein mentioned, each of the

1 remaining codefendants, in doing the things hereinafter alleged, were acting within the course,
2 scope, and under the authority of their agency, employment, or representative capacity, with the
3 consent of her/his/its codefendants.

5 **GENERAL ALLEGATIONS**

6 8. KATE is 21 years-old. On or about September 21, 2018, KATE was hired full time
7 as the Digital Director of the CDP. She began work for the CDP on Monday, September 24th.

8 9. WILL was hired to work for the CDP in or about September 8th, 2018 as a member
9 of the Community Engagement Program ("CEP") and also a Millennial Constituency Coordinator
10 in San Diego. WILL is also the President of the California Young Democrats ("CYD").

11 10. ALTON began working for CDP in mid-September 2018 performing job duties in
12 the CEP. Prior to beginning work, ALTON had been warned to be careful of BAUMAN. Soon
13 after beginning work, ALTON realized just how inappropriate the attention BAUMAN paid to
14 young gay men, such as himself, was.

15 **Harassing and Discriminatory Conduct Towards William Rodriguez Kennedy.**

16 11. WILL has been subjected to sexual harassment by BAUMAN throughout his
17 employment. He has also witnessed BAUMAN sexual harassing other young gay men.
18 BAUMAN gets very close to young gay employees and touches them unnecessarily during
19 conversations or when he is standing near them.

20 12. In the hiring process, BAUMAN asked WILL about his boyfriend (Ricardo).
21 When WILL showed BAUMAN a photograph of Ricardo (at BAUMAN'S request), BAUMAN
22 said that Ricardo was clearly the "top," referencing that Ricardo penetrated WILL during sexual
23 intercourse (top) vs. being penetrated by WILL (bottom). Uncomfortable, and because
24 BAUMAN'S demeanor told WILL that BAUMAN was serious, WILL said: "Oh no..." and
25 "Definitely not." A few days later after this humiliating incident, on WILL'S birthday,
26 BAUMAN sent WILL a picture of a shirtless male individual holding a cake. WILL did not know
27 what to do. He never expected this behavior in the workplace.
28

1 13. BAUMAN apparently remembered his exchange with WILL wherein WILL
2 disclosed that he was the top. On or about August 14th, 2018, after returning from a trip to New
3 York, WILL checked with BAUMAN about the opportunity to join the CDP staff. BAUMAN
4 said "You can't be the top in this family." Uncomfortable and frightened, WILL responded, "I
5 tend to be versatile in how I approach team sports." Again, BAUMAN'S demeanor made it clear
6 he expected a response. It also made it clear that BAUMAN expected WILL to acquiesce to his
7 flirtations. On Sept. 8th, WILL was sent his offer letter to join the CDP staff.

8 14. On September 11th 2018, while WILL was participating in the orientation, he came
9 into contact with BAUMAN again. BAUMAN openly and frequently touched WILL during the
10 orientation. At one point, BAUMAN massaged WILL'S back and neck in front of people.
11 Because BAUMAN was the head of the Party, and known to be ruthless, WILL felt he had no
12 choice but to allow BAUMAN to continue touching his body.

13 15. Within a few weeks of beginning his employment with the CDP, WILL broke up
14 with his boyfriend. He posted about the break-up on Facebook, which BAUMAN reviewed.
15 Following this post, BAUMAN called WILL telling him, "We are a family. Feel free to come to
16 me. Visit us more often in LA. I'd like to see more of you." WILL initially believed BAUMAN
17 had issued direction to schedule time to work in the LA Office. However, when WILL spoke to
18 Clark Lee ("Lee"), the Political Director of the CDP and WILL'S direct boss, about whether CDP
19 wanted him to schedule more time in LA and Sacramento, he was told that he was supposed to
20 stay in San Diego and from that point, travel around the state. Lee's response made WILL feel
21 that BAUMAN'S remarks were a come-on.

22
23 **Harassing and Discriminatory Conduct Towards Alton Wang.**

24 16. Like WILL, ALTON'S interactions with BAUMAN were always uncomfortable.
25 BAUMAN was usually flirtatious when speaking with ALTON. He called ALTON "baby"
26 whenever he spoke to him on the telephone. Upon information and belief, BAUMAN called other
27 gay men "baby" as well. The "pet name" was very uncomfortable coming from his boss.

28 ///

1 17. BAUMAN also openly flirted with ALTON when he saw him in person. ALTON
2 attended an event for candidate Tom Umberg during the bus tour where BAUMAN and his staff
3 were also present. One of the staff delegation saw ALTON in the audience and approached him to
4 let him know that BAUMAN had seen him and that BAUMAN wanted ALTON to make sure to
5 “say hi.” When ALTON later approached BAUMAN, he joked with BAUMAN that BAUMAN
6 must have seen ALTON because it is not hard to spot a tall Asian. BAUMAN responded with a
7 smirk: “Oh if you didn’t work for me that wouldn’t be my answer.” ALTON changed the subject
8 to ask where the bus tour was going next and after exchanging a few comments about the
9 itinerary, BAUMAN walked off. ALTON felt violated.

10
11 **Harassing and Discriminatory Conduct Towards Katherine Earley.**

12 18. KATE also has been subjected to discriminatory and hostile work environment
13 harassment based on her sex. While BAUMAN was flirtatious with young men viewing them as
14 sexual playthings, he was hostile and demeaning towards women. For KATE, the harassment
15 began within one week of being hired full-time. On or around Wednesday, October 3rd, Eric
16 BAUMAN, Chairman of the CDP, visited the Sacramento office. During his visit, he met alone
17 with KATE to discuss work she had been doing. During the meeting, BAUMAN berated KATE
18 because he wanted to know why more fundraising emails weren’t going out, even though he
19 knew that KATE’S first week had been filled with Justice Kavanaugh’s confirmation hearings
20 and she had not been fully onboarded yet. KATE attempted to explain the work she had done and
21 the fact that she had not yet been issued an account for the e-blast management system. She
22 brought up some fundraising content ideas to appease him. During this conversation, BAUMAN
23 stared at KATE’S chest questioning her about a scar she had on her chest. The conversation
24 became so personal, BAUMAN obtained information about KATE’S genetic make-up and
25 medical history. BAUMAN also learned that KATE had had cardiac surgery in July 2018, the
26 reason for the surgery, and that because of this surgery and the necessary medication regime that
27 permanently follows it, KATE cannot have children – a fact that he would certainly know as a
28 former critical care nurse. KATE doesn’t volunteer this information to people she does not know

1 and was extremely uncomfortable to discuss these matters with the CDP's Chairman in the
2 middle of a professional work conversation. BAUMAN'S intrusive and aggressive manner,
3 including his insistence that he could ask these questions because he was a former nurse, made
4 KATE feel she had no choice but to share this private information about herself.

5 19. Following this meeting, KATE reported her discomfort to her direct supervisor,
6 John Vigna ("Vigna"), CDP's Communications Director. Tellingly, Vigna did not express shock
7 or disbelief when he heard KATE'S complaint. Instead, Vigna told KATE he should have warned
8 her about BAUMAN'S propensity to berate and abuse female staffers, and ask inappropriate
9 questions. Vigna's response made it clear that BAUMAN'S conduct was well known, and
10 apparently tolerated at the CDP. Indeed, KATE also later learned that there was a culture of
11 sexual harassment and discrimination based on gender at the CDP. For example, KATE heard
12 that Andre Kelly ("Kelly"), BAUMAN'S bodyguard/security consultant, had also sexually
13 harassed multiple female staffers with no repercussions. As described below, KATE learned
14 when she was on the bus tour that Daniel Weitzman ("Weitzman"), CDP's controller, also
15 engaged in sexually harassing behavior.

16 20. Although CDP was aware of the harassment, these men were all allowed to retain
17 their positions. They were even promoted within the Party. The culture of harassment was
18 emulated by young male interns in Sacramento who were insubordinate to female supervisors,
19 refusing to follow directions and instead doing things their own way. When Vigna later fired one
20 offending intern, BAUMAN became incensed. He held a meeting where he ordered everyone to
21 run all such personnel decisions by him. This was a significant departure from the manner in
22 which the office was run. It sent a message to men that they could treat women as they pleased.

23
24 **BAUMAN'S Harassing Conduct Towards KATE During the CDP Bus Tour to**
25 **Promote Democratic Candidates throughout the State Prompted the First Formal**
26 **Complaint to HR.**

27 21. On November 1, 2018, BAUMAN and several employees from the Los Angeles
28 office of the CDP traveled to Sacramento to join employees from the Sacramento office on a bus

1 tour. The bus tour was set to appear at several rallies in Northern California to stump for
2 Democratic candidates and issues in advance of the November 2018 elections. KATE, who wants
3 a future in the Party and hopes to work on campaigns during her career, volunteered to ride on the
4 bus. Unfortunately, KATE was able to participate on the bus tour for only one day.

5 22. When KATE entered the bus on November 1, 2018, she noticed there were only
6 two women (including herself) on board. The other 13 or so persons on the bus were men, many
7 of whom were significantly older than KATE and the other woman. The men were in their 30s,
8 40s and 50s. KATE and the other female staffer were in their 20s. KATE was surprised to find
9 the women were so outnumbered.

10 23. When the bus departed at close to 9:30a.m. that morning, KATE was shocked to
11 find that BAUMAN was already drinking alcohol. During the two-hour drive, BAUMAN kept
12 asking for refills of scotch. KATE had been aware that BAUMAN consumed alcohol at work
13 because BAUMAN openly drinks scotch when he visits the Sacramento office. KATE'S
14 department was tasked with ensuring BAUMAN had an available supply of scotch. She did not
15 know, however, that he drank this heavily.

16 24. As the bus traveled to the first rally, KATE tried to do some work with the other
17 female staffer and another individual sitting at the table. BAUMAN focused his attention on
18 them, continuously interrupting their brainstorming session to slur stories about himself when he
19 was young. During one of his interruptions, when he was demanding more scotch from the senior
20 staff, BAUMAN said that he drank a bottle of scotch per day. KATE could not tell from
21 BAUMAN'S demeanor whether he was kidding. Given his conduct on that day she worried he
22 might be telling the truth.

23 25. By the time the bus arrived at the rally in Chico, BAUMAN was visibly tipsy. He
24 spoke to the crowds in a heavy, rambling manner. He became testy during an exchange with a
25 reporter. After the rally, the tour had to change their plans for lunch because the restaurant
26 originally chosen did not carry BAUMAN'S preferred brand of scotch. KATE was shocked to
27 find that close to 20 people (including people who had joined the group at the rally) had to find a
28 new venue just because of BAUMAN'S drinking.

1 26. When the tour arrived at the second restaurant, they sat at two long tables next to
2 each other. KATE sat next to Grace Leekley ("Grace") and Vigna to minimize her exposure to
3 BAUMAN and Dan Weitzman and Andre Kelly. To their dismay, Kelly and BAUMAN, joined
4 by Daniel Weitzman, the CDP's Controller, sat right across from them. During the lunch, several
5 people were privately conversing with the people sitting next to them. KATE and Grace were no
6 different. They were having their own private conversation when BAUMAN said loudly for all to
7 hear "Are you two sleeping together?" Confused, Grace answered: "what?" while KATE
8 answered "No, we're just friends." BAUMAN responded more pointedly, "Are you two having
9 an affair?" Grace said "No." BAUMAN continued: "Are you sure? Because I'd be OK with it as
10 long as it didn't affect the workplace." The entire half of the table where they were sitting fell
11 silent as KATE, Grace and BAUMAN had this exchange. BAUMAN'S demeanor when he asked
12 the questions was hostile. He smirked as he spoke. Kelly and Weitzman meanwhile leered
13 lasciviously at KATE and Grace. As BAUMAN pressed them, Kelly chimed in, laughing, and
14 said "oh yeah, they're definitely boning, right?"

15 27. After the lunch, Vigna and Grace drove back to Sacramento in Vigna's car, as they
16 were not going to attend the second rally in El Dorado Hills. KATE went back on the bus. While
17 waiting for the bus to pull around the block, Weitzman went up to KATE and asked her where
18 Grace was. He expressed disappointment when he learned that Grace was driving back with
19 Vigna. He told KATE he thought Grace would be on the bus. In her distress, KATE zoned out for
20 a portion of the conversation. She came to hearing Weitzman tell her how pretty Grace's eyes
21 were and specifically how much he admired how Grace applied her eye-liner in a way that left
22 two fine lines instead of one thicker line. KATE thought how closely Weitzman must have been
23 observing Grace to notice her eyeliner. KATE, who had been next to Grace throughout lunch, had
24 not noticed this detail.

25 28. When they were on the bus, BAUMAN continued drinking scotch despite having
26 drunk so much before and during lunch. KATE moved towards the back of the bus in order to
27 avoid him. The bus ride felt like a mens' club. The atmosphere was toxic. Kelly was sitting in the
28 back row talking to the other men about all the "hot" girls he had hooked up with on the last trip.

1 As one of the only women, KATE felt threatened and humiliated especially as she considered her
2 young age and that she might be thought of as fresh meat by these much older men. KATE texted
3 Vigna telling him she felt it was unsafe for her to be on the bus. KATE, who was sexually
4 assaulted in college and was forced to sue her alma mater, recognized the warning signs.¹

5 29. When Vigna did not text back (because he was driving), KATE texted Grace.
6 KATE'S texts to Grace showed her state of mind. She told Grace she was having flashbacks to
7 Pacific. Feeling her anxiety mount as the ride to El Dorado Hills continued,² KATE also texted
8 Tina McKinnor ("McKinnor"), CDP's Operations Director, about what had happened at lunch
9 and what was happening on the bus. McKinnor responded, offering to call an Uber for KATE
10 once the bus arrived in El Dorado Hills. KATE declined because she was afraid the ride would be
11 too expensive given the distance (30.5 miles) and time of day (heavy traffic). KATE did not want
12 to cause a scene. She was anxious about retaliation or other repercussions to a future career in
13 politics.

14 30. The ride to El Dorado Hills lasted a little over two hours. By the time they reached
15 El Dorado Hills at 4:30, BAUMAN was completely drunk. He was red-faced and screaming into
16 the microphone despite the small size of the rally.

17 31. When KATE returned to the office, she found Vigna in HR Director Amy Vattros'
18 office. Vigna called KATE to join them. Vigna explained that when he received KATE'S text, he
19 had no choice but to escalate the matter to HR.³

20
21 ¹ KATE has had a difficult childhood and young adulthood. The victim of a physically and
22 emotionally abusive mother, KATE left home at the age of 16 to attend the University of the
23 Pacific ("Pacific") and be part of Pacific's debate team. Once on the team, KATE was raped by a
24 graduate student, who taught undergrad communications classes and acted as the Director of
25 Debate for the team. Since KATE was under-age at the time, KATE was not legally capable of
26 consenting to sexual intercourse or oral sex. Moreover, KATE'S troubled background made her
27 particularly vulnerable to the Director's grooming tactics – which including plying KATE with
28 alcohol, petting and paying close extra attention to KATE. This professor violated KATE several
times including when the team traveled to competitions. Because of this horrible experience,
KATE recognized the red flags. She felt that what she was experiencing was the tip of the ice
berg when she was on the bus.

² One of the instances of assault when she was in college occurred on a flight for a school event.

³ The CDP had a policy on sexual harassment at the time this incident occurred. However, it was
never followed. Notably, this policy has been removed from the CDP's website since the events

1 32. During the meeting, they asked KATE if the conduct was upsetting. KATE said
2 that it was and broke down crying. She told them she had been through this before and that the
3 behavior that day was bringing those memories up. Vigna apologized because he was at the lunch.
4 He said he should have said something. CDP pulled KATE from the bus tour. Notably, Vattros
5 instructed Vigna to write a report about what had occurred at lunch, including Kelly's comments
6 during lunch, but not what Kelly had said on the bus even though KATE did report those
7 comments to Vattros.

8
9 **Although the CDP Admittedly Had Knowledge of BAUMAN'S Harassing Conduct, It**
10 **Never Tried to Action Against Him.**

11 33. After meeting with HR, KATE followed Vigna to his office. McKinnor came in
12 and asked how KATE was feeling. KATE repeated what she had told HR. McKinnor said: "we
13 shouldn't have sent her on that bus. Women should not have been on that bus." Vigna and
14 McKinnor appeared remorseful. They knew that BAUMAN, Kelly and Weitzman had harassed
15 staffers before. They also knew there would be heavy drinking on the bus. The CDP paid for extra
16 insurance and to have an extra driver so that the bus company would allow drinking on the bus.
17 And they knew from past tours how the men would react all together. KATE tried to make them
18 feel better saying she was not mad at them. Their conduct, however, demonstrates a disturbing
19 pattern of senior staff being powerless or unwilling to stop inappropriate behavior at the CDP.

20 34. KATE'S feelings of anxiety and distress continued and worsened when she got
21 home. KATE contacted Vigna to ask him if she could work from home the next day. He said yes
22 and offered KATE a paid day off.

23 ///

24 ///

25 ///

26 ///

27
28 of BAUMAN'S harassment became public.

**The Nancy Pelosi Campaign Responded to the Complaint to HR By Disinviting the Bus
Tour from Attending Her Rally.**

35. Meanwhile, McKinnor contacted KATE telling her to speak with Christine Pelosi. Pelosi is the Head of the CDP's Women's Caucus. She is also an officer of CDP and is involved in the "We Said Enough" movement. Pelosi apparently told the CDP that the bus tour was disinvited from attending the Nancy Pelosi rally scheduled to take place in San Francisco on November 2.⁴ Pelosi, however, invited KATE and Grace to attend the rally. They declined initially.

36. After discussing the matter with Grace, KATE called Pelosi at approximately 12 o'clock on November 2. Grace and KATE described the events leading up to and including the incidents on the prior day. Grace and KATE told Pelosi that they wanted BAUMAN to go to rehab. They also wanted BAUMAN to apologize for his behavior, and they wanted Kelly fired. Pelosi was reassuring and comforting regarding their demands. She told them "we're going to get this handled." KATE asked Pelosi if the offer to attend the rally was still on the table. Pelosi said yes, so she went.

37. When KATE arrived at the rally, she was surprised to see Jeremy Thompson, the Creative Director at the CDP, and Sandra Lowe, a senior strategist at the CDP, at the rally since they were from the LA office and Thompson had been traveling with BAUMAN the day prior. Thompson asked KATE if she still needed a hotel room. He asked: "Are we going to see you tomorrow?" KATE found this was strange because it showed her complaint had been broadcast even though she had not authorized its disclosure beyond those persons specifically necessary to investigate the matter. KATE later learned that BAUMAN had been told of the complaint and that his initial response was to tell Vigna to ask KATE to talk to him so he could apologize. Mr. Vigna reportedly said, "we're beyond that now, this is not something you can negotiate your way out of."

⁴ KATE eventually heard from Grace that Pelosi reportedly said of the men's behavior, "Not in my mother's city."

**Despite the Complaint and Pelosi's Condemnation, the Bus Tour Proceeded to San Diego
Where BAUMAN'S Harassing Behavior Continued.**

38. On or about Sunday November 4th BAUMAN'S bus tour ended in San Diego. BAUMAN took several staffers to dinner, including WILL and several other LGBT staffers. During the dinner, BAUMAN taunted other staffers about their sexuality. Drinking heavily, he repeatedly made lewd sexual references to acts such as "grindr," which is a gay hookup app, and BAUMAN also asked inappropriate questions about employees' sexual orientation, including whether they were straight or gay.

39. During the dinner BAUMAN also made sure to impress upon the attendees his power to crush their careers if they displeased him. When a candidate for the position of Chair of San Diego party commented about the race BAUMAN responded, "We'll see about that if you're even employed." BAUMAN was serious when he made the remark. He intended to show the people present who was boss.

**BAUMAN'S Had a Long History of Harassment and of Intimidating Witnesses to Keep
Them from Complaining.**

40. BAUMAN'S behavior on during these months was not unusual. WILL had other experiences near BAUMAN and also heard about BAUMAN'S treatment of others. For example:

- During the 2014 Oakland Executive Board held on July or August 2014, WILL attended a CYD party at the CYD suite. The party was filled with young LGBT and straight people. BAUMAN grabbed WILL on his thigh prompting WILL to leave. WILL returned because he was the designated driver for his friend (Kelvin Barrios). When WILL walked in he saw BAUMAN unbuttoning a Kelvin's shirt. Kelvin, who identifies as a straight male, was so intoxicated by this time and unable to push BAUMAN off himself. Kelvin later recalled the event. Although Kelvin was distressed by the event, he did not take any action against BAUMAN (until after the November 23 leak on Twitter) because he not want to be harmed politically.

- Another friend who is a gay former employee ("Friend 1"), reported to WILL that BAUMAN had unbuttoned his shirt and cupped his face.
- Another man ("Friend 2") reported to WILL that BAUMAN was very touchy but did not go into detail. When WILL asked him whether he thought it would be ok for a man to touch a woman in that manner, he said "No. The woman would be uncomfortable."
- WILL is aware of another staffer ("Friend 3") who is a survivor of sexual abuse. Suffering from depression, the staffer became a heavy drinker and got a DUI. BAUMAN learned of the drinking and its cause and used it against the staffer to have his way.
- Allan Acevedo, former President of the CYD, told WILL that in 2016, BAUMAN made a sexual advance towards him. Allan complained. Since then, people, including BAUMAN and others likely prompted by BAUMAN, have disparaged Allan in retaliation for complaining. WILL has heard rumors that Allan has personal issues and other things which might tend to discredit Allan and hurt his career.⁵

41. The experiences of the staffers that had been harassed as well as those that had complained about BAUMAN had a chilling effect on WILL. WILL came to believe, as so many around him, that BAUMAN would attack anyone who accused him. This made WILL feel like he had no choice but to acquiesce to BAUMAN'S sexual harassment.

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⁵ In addition, there are numerous other instances of harassment reported on Twitter and to various newspapers following Vice-Chair Daraka Larimore-Hall's charges on November 19, 2018 discussed below.

**Between November 2 and November 14, Pelosi Provided Safe Haven for KATE'S
Complaint to HR to Proceed. BAUMAN Made Every Effort to Cause the Complaint to be
Recanted.**

42. In the weeks that followed KATE'S complaint to HR, Ms. Pelosi purported to run interference between the Party and KATE. She said often "Let me fix it for you." Pelosi apparently spoke to undisclosed persons with Gavin Newsom's campaign team, and higher ups in the Party. Pelosi sent a letter to CDP on their behalf demanding to know the name of the investigator and also whether conflicts had been cleared. Pelosi also wanted the receipt from the lunch because alcohol was purchased using CDP funds.

43. KATE believed this interference restrained BAUMAN somewhat but not completely. As KATE later learned, BAUMAN caused the CDP to hire Delfino, Madden, O'Malley, Coyle, Koewler ("Delfino Madden"), the law firm that represented Pacific in a lawsuit she filed against Pacific as a result of the sexual abuse she suffered. The hiring of a small boutique firm like Delfino Madden was no doubt intended to break KATE and intimidate her into retracting her complaint. Delfino Madden had been unnecessarily cruel to KATE during the Pacific lawsuit. Showing no compassion for KATE'S ordeal or young age, the attorneys at Delfino Madden engaged in scorched earth litigation tactics and also blamed an already vulnerable and distressed victim of abuse for her own abuse. They delved deep into KATE'S troubled history and taunted her about it. This is exactly this type of tactic that BAUMAN had employed against persons like Acevedo and Friend 3.

**Things Came to a Head During the November E-Board Conference. Initially, BAUMAN'S
Pattern of Harassment Continued.**

44. The CDP's executive board meeting was held on or about November 15, 2018 – November 18, 2018 in Long Beach, California. BAUMAN continued his pattern of harassment and intimidation during the beginning of the meeting.

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1 45. ALTON attended a CET meeting on Thursday, November 15, the first evening of
2 the e-board conference⁶ to discuss how things with the Community Engagement Program went
3 during the election cycle.⁷ After the meeting, BAUMAN pulled ALTON aside, put his arm
4 around his waist and asked: "Do you want to stay on with us going forward?" When ALTON
5 responded affirmatively, BAUMAN said "Good, I've only heard good things about your work."
6 BAUMAN also said other complimentary things about ALTON'S work then said that going he
7 would have to figure out how to keep ALTON on. BAUMAN was so close to ALTON during the
8 exchange that ALTON could smell scotch on BAUMAN'S breath.

9 46. During this conversation, BAUMAN made inappropriate comments about other
10 employees' sexual orientations, implying that persons who identified as straight were actually
11 gay.

12 47. ALTON was unsettled by the conversation. He felt as though the conversation was
13 a come-on. In fact, since he had begun, BAUMAN repeatedly referenced to wanting to keep him
14 on after the campaign. In mid-October, BAUMAN said he had funding at least through the year.
15 In mid-November, BAUMAN mentioned he wanted to keep him on. It felt as though BAUMAN
16 were using the fear of losing his job as a way to make ALTON feel beholden to them.

17 48. Following the CET meeting, ALTON, BAUMAN and others were at a staff dinner
18 with more than 40 members of the CDP. At the end of the dinner, ALTON was in a small group
19 with several employees. BAUMAN joined them. During their conversation, BAUMAN
20 commented on how young people can now meet dating partners on apps. BAUMAN said that
21 when he was young, gay men in West Hollywood met in alley ways behind bars. He then
22 described how people would know who which men were queer and might be interested in sex
23

24 ⁶ BAUMAN and senior staff: Adam Seiden, Eric Sanchez, Clark, ALTON, Dan Chavez, and
25 Sandi Cook.

26 ⁷ WILL, who is also a member of the CET, missed the meeting because Lee sent WILL on
27 another assignment. Later, WILL contacted BAUMAN to apologize for missing the meeting and
28 also to check in.

1 from small signals. As the only young and single gay person in the group, ALTON couldn't help
2 but feeling the comments were directed at him, especially after his earlier uncomfortable
3 encounter with BAUMAN and all the other flirty things/acts BAUMAN directed towards him.

4 49. During that same conversation, BAUMAN noticed that ALTON'S oxford shirt had
5 the first button undone. BAUMAN reached out and ruffled his collar, again making ALTON feel
6 uncomfortable. As the conversation was going, ALTON noticed another staff member in the
7 conversation carrying bottles of wine away. ALTON joked that this staff member should share
8 with the group. BAUMAN turned to ALTON, put his arm briefly around his waist, and told him
9 that ALTON should know he had alcohol in his room, and suggested that ALTON could come up
10 to his room if he wanted some. ALTON changed the subject and turned back to the rest of the
11 group in the conversation.

12 50. Later during the weekend, ALTON attended meetings of the Asian and Pacific
13 Islander Caucus and the Filipino American Caucus. In both meetings, BAUMAN approached the
14 group and made a joke asking whether ALTON was being a trouble maker. The exchange felt
15 flirty, as though BAUMAN was letting the group know that ALTON was a favorite. ALTON felt
16 uncomfortable being singled out.

17
18 **As the Conference Progressed, BAUMAN'S Position Was Severely Weakened.**

19 51. As the e-board conference continued, BAUMAN'S position appeared to weaken
20 and BAUMAN was visibly concerned. WILL and ALTON sensed a forward motion to do
21 something. Unbeknownst to ALTON or WILL, BAUMAN had already been made aware of
22 KATE'S complaints. HR at Pelosi's insistence had purportedly already begun an investigation
23 into KATE'S complaints regarding BAUMAN'S and others' conduct on November 1, 2018.

24 52. BAUMAN'S increasing concern became apparent during a closed session meeting
25 of the CYD on or about Saturday, November 17, 2018 at 8 or 8:30 p.m. Although the meeting had
26 nothing to do with BAUMAN, he appeared to believe the meeting was about him. BAUMAN
27 approached WILL during a break, grabbed him by the lower part of his back and said: "What's
28 going on?" – referencing the subject matter of the meeting. When WILL did not immediately

1 respond, in his shock at being manhandled but also at the urgency in BAUMAN'S voice and
2 demeanor, BAUMAN continued: "Hey baby, you know you can tell me what's going on." WILL
3 tried to disengage so that he could return to the meeting, but BAUMAN grabbed him by the arms
4 in an intense and strong manner and said words to the effect of "You have to tell me." WILL
5 finally responded, "I understand my duties as a staffer but this meeting is about CYD not CDP."
6 Indeed, because the CYD is an organization that is independent of the CDP, WILL did not feel he
7 should be required to report to BAUMAN as to its activities. BAUMAN was undeterred. He
8 ended the exchange telling WILL, "You can come talk to me," meaning WILL could come to his
9 hotel room that night. Resa Barillas, a CYD Officer, was present when Will was yanked away by
10 BAUMAN.
11

12 **On November 19, 2018, Daraka Larimore-Hall Filed Charges Against BAUMAN Which**
13 **Ultimately Caused BAUMAN to Resign.**

14 53. During the e-board, CDP's Second Vice Chair Daraka Larimore-Hall ("Larimore-
15 Hall") learned about KATE'S and other's complaints. Seizing on the impetus for change already
16 in progress, Larimore-Hall filed charges on Monday, November 19, 2018 calling for
17 BAUMAN'S resignation because of credible reports he had heard regarding the harassment
18 experienced by several employees⁸.

19 54. Although these charges were not private, few people were aware that they had
20 been filed. Neither KATE, ALTON nor WILL knew about the charges before they were filed.
21 None of them had talked to Larimore-Hall during the e-board conference. KATE did not even
22 attend the conference. In the days that followed Larimore-Hall's, WILL heard whispers about the
23 bus tour and also about a complaint about BAUMAN but did not know whether the rumors were
24 true.

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26
27 ⁸ KATE did not attend the November 2018 e-board meetings. Mr. Larimore-Hall learned about
28 the harassment she experienced from others.

1 55. On Friday, November 23, 2018, Larimore-Hall's charge was leaked on twitter
2 from an anonymous account. After this leak, twitter exploded with postings from current and
3 former employees who had been harassed by BAUMAN. These twitter posts were soon met with
4 posts from other Democratic leaders and politicians calling for BAUMAN'S immediate
5 resignation. Every newspaper appeared to have a story about BAUMAN'S conduct and the
6 mounting accusations. On Thursday, November 29, 2018, BAUMAN resigned as Chairman of
7 the CDP. First Vice Chair Alex Rooker became the Acting Chair.

8
9 **BAUMAN'S Resignation Did Not Cure the Harassment CDP Staffers Were Forced to**
10 **Endure. The Resignation Also Did Not Ensure Change. BAUMAN Remains Very Much in**
11 **Charge.**

12 56. BAUMAN'S resignation did not resolve the long-standing problems at the CDP.
13 WILL has been emotionally impacted. Since the resignation, he has been severely depressed
14 spending many days unable to get out of bed.

15 57. Similarly, KATE has been slowly unraveling since she discovered on November
16 27, 2018 that Delfino Madden was hired by the CDP to help it respond to her complaints. She
17 also learned that Delfino Madden is the firm that recommended the purportedly "independent"
18 investigator hired by the CDP to speak to all the staffers. Believing Larimore-Hall's claims of
19 support during a group chat with persons who had been harassed by BAUMAN on Thursday,
20 November 29, 2018, KATE emailed Larimore-Hall following the call to let him know she was
21 feeling extreme distress because Delfino Madden had been hired to represent CDP and oversee
22 the investigation. Larimore-Hall had already heard of KATE'S distress from one of KATE'S co-
23 workers. Instead of actually supporting KATE or helping KATE bring her concerns to the Party,
24 Larimore-Hall told KATE that she should contact her lawyers or escalate the matter to HR
25 herself. This is true even though Larimore-Hall acknowledged in his message that one of
26 BAUMAN'S last acts before resigning was to hire Delfino Madden and even though he had been
27 told by others that KATE was afraid of Delfino Madden. Larimore-Hall said that he "heard about
28 that connection yesterday...I really don't know what to think of the investigation altogether."

1 Delfino Madden's connection to the investigation and KATE'S complaint has forced KATE to
2 seek psychological therapy again.⁹

3 58. Larimore-Hall's response in effect told KATE that Larimore-Hall was not willing
4 or able to support KATE as he had promised. This confirmed to KATE that the culture at the
5 CDP has not changed. KATE is afraid to go to HR because her complaint begun the process of
6 removing BAUMAN, and because of their reluctance to address the concerns about the impact
7 that the involvement of Delfino Madden is having on her. KATE learned from coworkers that
8 BAUMAN blames her for his public fall from grace. This is cause for concern because the CDP
9 continues to support BAUMAN. On December 2, 2018, BAUMAN posted a Happy Haunakah
10 message. Several people from the Party including Sandra Lowe "liked" it. Acting Chair Alex
11 Rooker loved BAUMAN'S post. BAUMAN still clearly wields a significant amount of power in
12 the Party. He is still pulling the strings from behind the scenes.

13 59. On December 10, 2018, the CDP fired Vigna and McKinnor, the two persons at
14 the CDP who escalated KATE'S harassment complaint to HR.

15 60. On December 11, 2018, the CDP terminated ALTON'S employment claiming his
16 position no longer had funding. Notably, ALTON'S termination occurred one day after the CDP
17 received notice that ALTON had retained counsel and notice of ALTON'S complaints of
18 harassment.

19 61. To hide their tracks, the CDP also purported to terminate all senior staff including
20 Sandra Lowe. However, although Sandra Lowe was terminated, she has continued to visit the
21 CDP's offices in Sacramento. She appears very much connected with the CDP.

22 62. Meanwhile, the CDP continues to refuse to replace Delfino Madden as counsel
23 despite repeated complaints from KATE that their involvement in the "investigation" that began
24

25 ⁹ Additionally, KATE also learned on December 7 that CDP was not providing KATE the
26 employment benefits she was promised when she was hired. KATE did not realize anything was
27 amiss believing there was a probationary period. On December 7, KATE learned that a coworker
28 hired one week before she was provided his benefits enrollment form long before. Upon
information and belief, this is just another form of retaliation for complaining. When KATE
informed the Party that the failure to provide benefits was retaliatory, the Party provided KATE
with enrollment forms for her promised benefits.

1 as a result of her complaint is causing her to suffer extreme distress. The CDP insists that Delfino
2 Madden has been their lawyers for many years. A review of lawsuits filed by and against the CDP
3 shows that Delfino Madden has not represented the CDP in any lawsuit. Upon information and
4 belief, Delfino Madden's involvement has been to quash employee complaints by engaging in the
5 same tactics as it did in KATE'S lawsuit against Pacific. The investigation initiated by the CDP in
6 response to KATE'S complaints was not designed to determine whether or not BAUMAN had
7 engaged in any of the conduct complained of by KATE and the many, many other employees and
8 former employees that posted comments on twitter. Indeed, if Delfino Madden has been called by
9 the CDP regarding employee issues, Delfino Madden already learned about or should have
10 learned about the sexually charged environment that existed at the CDP and the harassment that
11 occurred there. The fact that BAUMAN moved up the ranks of the CDP to become its Chairman
12 shows that he was protected by the tactics of Delfino Madden. The investigation initiated
13 following KATE'S complaints constitutes another form of harassment and retaliation.

14 63. BAUMAN'S and the CDP'S and DOES 1 through 50, and each of their, decision
15 to discriminate, harass and retaliate against PLAINTIFFS because of their sex and because they
16 opposed harassment and discrimination violated several provisions of FEHA. Additionally,
17 BAUMAN, the CDP, and DOES 1 through 50, and each of them, acted with malice, oppression
18 or fraud when they performed the acts described above even though they were fully aware of the
19 unlawfulness of the acts described herein. Such deliberate discrimination, harassment, retaliation,
20 and callous and cruel behavior is mean, vile, base and contemptible such that it would be looked
21 down upon and despised by reasonable people.

22 64. Additionally, the CDP, and DOES 1 through 50, and each of them, are liable for
23 punitive and exemplary damages because each act complained of herein was performed, ratified,
24 consented to and acquiesced in by officers, directors or managing agents of the CDP, and DOES
25 1 through 50, and each of them.

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FIRST CAUSE OF ACTION

SEXUAL HARASSMENT IN VIOLATION OF FEHA

(Cal. Gov't Code § 12940(j))

(All PLAINTIFFS Against CDP and BAUMAN, and DOES 1 through 50)

65. PLAINTIFFS reallege each and every allegation in the preceding paragraphs with the same force and effect as though fully set forth herein.

66. At all times mentioned herein, the California Fair Employment and Housing Act ("FEHA") was in full force and effect, BAUMAN and the CDP, and DOES 1 through 50, and each of them, were and are subject to its requirements.

67. As discussed in detail above, while performing their job duties, PLAINTIFFS were forced to endure a sexually charged workplace where they were subjected to continuous unwelcome and inappropriate sexual remarks and advances from BAUMAN, the Chairman of the CDP, and others including Weitzman and Kelly. PLAINTIFFS WILL and ALTON were also subject to physical touching from BAUMAN. Such conduct was based on PLAINTIFFS' sex and was severe and pervasive and constituted a hostile work environment. BAUMAN, Weitzman, Kelly and others made PLAINTIFFS feel as though they were sexual playthings there for BAUMAN, Weitzman and Kelly's enjoyment.

68. The unwelcome remarks, comments, advances and touching were objectively offensive to reasonable employees in PLAINTIFFS' circumstances and PLAINTIFFS themselves found the conduct offensive. BAUMAN and the CDP, and DOES 1 through 50, and each of them, were aware of the hostile work environment that PLAINTIFFS were subjected to, as well as the fact that they found it offensive, because PLAINTIFFS would become visibly distressed and because PLAINTIFFS objected to and complained of the harassment.

69. Under FEHA, BAUMAN and the CDP, and DOES 1 through 50, and each of them, were required to take prompt corrective action to address BAUMAN'S and others' behavior but failed to do so. Although the CDP was aware of BAUMAN'S and others' behavior for years before the events described above, the CDP made every effort to silence victims of BAUMAN'S and others' harassment by conducting false investigations. Like those before them,

1 PLAINTIFFS were deprived of necessary assistance, subjected to further harassment and
2 retaliation.

3 70. The aforementioned harassment based on PLAINTIFFS' sex and constituted
4 hostile work environment sexual harassment in violation of FEHA.

5 71. The conduct was sufficiently severe and/or pervasive so as to alter the terms and
6 conditions of PLAINTIFFS' employment.

7 72. PLAINTIFFS have exhausted their administrative remedies under FEHA.

8 73. As a proximate result of BAUMAN'S and the CDP'S, and DOES 1 through 50,
9 and each of their, unlawful conduct, PLAINTIFF ALTON has suffered loss of income,
10 commissions, bonuses and other employment-related benefits in an amount unknown at this time,
11 but according to proof at trial.

12 74. As a further proximate result of BAUMAN'S and the CDP'S, and DOES 1
13 through 50, and each of their, discriminatory conduct, PLAINTIFFS ALTON, KATE and WILL
14 have suffered, and continue to suffer, extreme and severe anguish, humiliation, emotional distress
15 and mental suffering, nervousness, tension, anxiety, depression, and physical ailments, in a sum
16 within the jurisdiction of this court, to be ascertained according to proof.

17 75. As a further proximate result of the aforementioned wrongful conduct,
18 PLAINTIFFS have had to employ the services of attorneys to pursue their legal rights, to
19 PLAINTIFFS' damage in an amount unknown at this time, but according to proof at trial.

20 76. The grossly reckless, and/or intentional, malicious, and bad faith manner in which
21 BAUMAN and the CDP, and DOES 1 through 50, and each of them, engaged in those acts as
22 described in this cause of action by willfully violating FEHA, as well as by terminating
23 PLAINTIFF ALTON, entitles PLAINTIFFS to punitive damages against BAUMAN and the
24 CDP, and DOES 1 through 50, and each of them, in an amount within the jurisdiction of this
25 court, to be ascertained by the fact finder, that is sufficiently high to punish BAUMAN and the
26 CDP, and DOES 1 through 50, and each of them, deter them from engaging in such conduct
27 again, and to make an example of them to others.

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1 77. PLAINTIFFS also pray for reasonable costs and attorney fees against BAUMAN
2 and the CDP, and DOES 1 through 50, and each of them, as allowed by California Government
3 Code Section 12940 for the PLAINTIFFS' prosecution of this action in reference to the time the
4 PLAINTIFFS' attorneys spent pursuing this cause of action.

5
6 **SECOND CAUSE OF ACTION**

7 **SEX DISCRIMINATION IN VIOLATION OF FEHA**

8 (Cal. Gov't Code § 12940(a))

9 (All PLAINTIFFS Against CDP, and DOES 1 through 50)

10 78. PLAINTIFFS reallege each and every allegation in the preceding paragraphs with
11 the same force and effect as though fully set forth herein.

12 79. PLAINTIFFS are informed and believe, and based thereon allege, that CDP, and
13 DOES 1 through 50, and each of them, violated FEHA, California Government Code §§12940, et
14 seq., which prohibits discrimination against employees based on sex. CDP, and DOES 1 through
15 50, and each of them, were and are subject to FEHA's provisions as a qualifying employer under
16 the California Government Code.

17 80. PLAINTIFFS have timely filed Complaints of Discrimination against CDP, and
18 DOES 1 through 50, and each of them, with the DFEH and received Right to Sue Letters. True
19 and correct copies of the DFEH Charge filed by PLAINTIFFS and the Notice of Right to Sue are
20 attached hereto as **Exhibit A (Kate), Exhibit B (Will) and Exhibit C (Alton)**. PLAINTIFFS
21 have therefore properly exhausted administrative remedies.

22 81. PLAINTIFFS allege that CDP, and DOES 1 through 50, and each of them,
23 engaged in an unlawful practice by discriminating against them in the terms and conditions of
24 their employment because of their sex. As referenced above, PLAINTIFFS were forced to endure
25 a sexually charged workplace where they were subjected to continuous unwelcome and
26 inappropriate sexual remarks and advances from BAUMAN, the Chairman of the CDP, and
27 others including Weitzman and Kelly. PLAINTIFFS WILL and ALTON were also subject to
28 physical touching from BAUMAN. Such conduct was based on PLAINTIFFS' sex and was

1 severe and pervasive and constituted a hostile work environment. BAUMAN, Weitzman, Kelly
2 and others made PLAINTIFFS feel as though they were sexual playthings there for BAUMAN,
3 Weitzman and Kelly's enjoyment. Such conduct constitutes discrimination on the basis of sex and
4 is prohibited by FEHA.

5 82. As a proximate result of CDP'S, and DOES 1 through 50, and each of their,
6 unlawful conduct, PLAINTIFF ALTON has suffered loss of income, commissions, bonuses and
7 other employment-related benefits in an amount unknown at this time, but according to proof at
8 trial.

9 83. As a further proximate result of CDP'S, and DOES 1 through 50, and each of
10 their, discriminatory conduct, PLAINTIFFS ALTON, KATE and WILL have suffered
11 depression, loss of self-esteem, illness and emotional distress, to PLAINTIFFS' damage in an
12 amount unknown at this time, but according to proof at trial.

13 84. As a further proximate result of the aforementioned wrongful conduct,
14 PLAINTIFFS have had to employ the services of attorneys to pursue their legal rights, to
15 PLAINTIFFS' damage in an amount unknown at this time, but according to proof at trial.

16 85. CDP, and DOES 1 through 50, and each of them, committed the acts alleged
17 herein maliciously, fraudulently, and oppressively, in bad faith, with the wrongful intention of
18 injuring PLAINTIFFS, from an improper and evil motive amounting to malice, and/or in
19 conscious disregard of PLAINTIFFS' rights. Thus, PLAINTIFFS are entitled to an award of
20 exemplary and punitive damages according to proof at trial.

21 86. PLAINTIFFS also pray for reasonable costs and attorney fees against CDP, and
22 DOES 1 through 50, and each of them, as allowed by California Government Code Section 12940
23 for the PLAINTIFFS' prosecution of this action in reference to the time the PLAINTIFFS'
24 attorneys spent pursuing this cause of action.

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THIRD CAUSE OF ACTION
FAILURE TO PREVENT SEXUAL HARASSMENT AND DISCRIMINATION IN
VIOLATION OF FEHA

(Cal. Gov't Code § 12940(k))

(All PLAINTIFFS Against CDP, and DOES 1 through 50)

87. PLAINTIFFS reallege each and every allegation in the preceding paragraphs with the same force and effect as though fully set forth herein.

88. At all times mentioned herein, the FEHA was in full force and effect, and the CDP, and DOES 1 through 50, and each of them, were and are subject to FEHA'S requirements.

89. Employees of the CDP, and DOES 1 through 50, and each of them, have been subjected to unwelcome, inappropriate sexual remarks, advances, propositions, and touching from BAUMAN and other employees, including Kelly and Weitzman, while performing their job duties. Such conduct constituted both a hostile work environment sexual harassment and also discrimination on the basis of sex. The unwelcome remarks and other conduct were objectively offensive to reasonable employees in PLAINTIFFS' circumstances and PLAINTIFFS themselves found the conduct offensive.

90. The CDP, and DOES 1 through 50, and each of them, were aware of the sexual harassment and discrimination to which PLAINTIFFS were subjected, as well as the fact that PLAINTIFFS and several other employees found the conduct offensive and unwelcome, because PLAINTIFFS, like others before them, objected to and complained of the harassment.

91. Under FEHA, the CDP, and DOES 1 through 50, and each of them, were required to take reasonable steps to prevent harassment and discrimination in the workplace but failed to do so. Instead, employees like PLAINTIFFS were deprived of necessary assistance, subjected to further harassment and discrimination because the CDP, and DOES 1 through 50, and each of them, failed to take any steps to end the harassment and discrimination.

92. PLAINTIFFS have exhausted their administrative remedies under FEHA.

93. As a proximate result of CDP'S, and DOES 1 through 50, and each of their, unlawful conduct, PLAINTIFF ALTON has suffered loss of income, commissions, bonuses and

1 other employment-related benefits in an amount unknown at this time, but according to proof at
2 trial.

3 94. As a further proximate result of CDP'S, and DOES 1 through 50, and each of
4 their, discriminatory conduct, PLAINTIFFS ALTON, KATE and WILL have suffered
5 depression, loss of self-esteem, illness and emotional distress, to PLAINTIFFS' damage in an
6 amount unknown at this time, but according to proof at trial.

7 95. As a further proximate result of the aforementioned wrongful conduct,
8 PLAINTIFFS have had to employ the services of attorneys to pursue their legal rights, to
9 PLAINTIFFS' damage in an amount unknown at this time, but according to proof at trial.

10 96. CDP, and DOES 1 through 50, and each of them, committed the acts alleged
11 herein maliciously, fraudulently, and oppressively, in bad faith, with the wrongful intention of
12 injuring PLAINTIFFS, from an improper and evil motive amounting to malice, and/or in
13 conscious disregard of PLAINTIFFS' rights. Thus, PLAINTIFFS are entitled to an award of
14 exemplary and punitive damages according to proof at trial.

15 97. PLAINTIFFS also pray for reasonable costs and attorney fees against CDP, and
16 DOES 1 through 50, and each of them, as allowed by California Government Code Section 12940
17 for the PLAINTIFFS' prosecution of this action in reference to the time the PLAINTIFFS'
18 attorneys spent pursuing this cause of action.

19
20 **FOURTH CAUSE OF ACTION**
21 **RETALIATION IN VIOLATION OF FEHA**

22 (Cal. Gov't Code § 12940(h))

23 (All PLAINTIFFS Against CDP, and DOES 1 through 50)

24 98. PLAINTIFFS reallege each and every allegation in the preceding paragraphs with
25 the same force and effect as though fully set forth herein.

26 99. PLAINTIFFS complained to the CDP, and DOES 1 through 50, and each of them,
27 about the discrimination, sexual harassment, and sexual assault and battery they were suffering at
28 the hands of BAUMAN and others, including Weitzman and Kelly.

1 100. In response to PLAINTIFFS' complaints, the CDP, and DOES 1 through 50, and
2 each of them, began a campaign of retaliation against PLAINTIFFS. The acts of retaliation,
3 which are the basis of this cause of action, include but are not limited terminating PLAINTIFF
4 ALTON'S employment and hiring Delfino Madden to oversee a false investigation for the
5 purpose of squashing PLAINTIFFS' claims. The hiring of Delfino Madden was particularly
6 distressing to PLAINTIFF KATE in light of Delfino Madden's conduct towards her during her
7 lawsuit against Pacific as alleged above.

8 101. This conduct violates California Government Code Section 12940(h), which
9 prohibits supervisors and employers from retaliating against employees for refusing to put up
10 with statutorily prohibited conduct under FEHA.

11 102. PLAINTIFFS have exhausted their administrative remedies under FEHA.

12 103. As a proximate result of CDP'S, and DOES 1 through 50, and each of their,
13 unlawful conduct, PLAINTIFF ALTON has suffered loss of income, commissions, bonuses and
14 other employment-related benefits in an amount unknown at this time, but according to proof at
15 trial.

16 104. As a further proximate result of CDP'S, and DOES 1 through 50, and each of
17 their, discriminatory conduct, PLAINTIFFS ALTON, KATE and WILL have suffered
18 depression, loss of self-esteem, illness and emotional distress, to PLAINTIFFS' damage in an
19 amount unknown at this time, but according to proof at trial.

20 105. As a further proximate result of the aforementioned wrongful conduct,
21 PLAINTIFFS have had to employ the services of attorneys to pursue their legal rights, to
22 PLAINTIFFS' damage in an amount unknown at this time, but according to proof at trial.

23 106. CDP, and DOES 1 through 50, and each of them, committed the acts alleged
24 herein maliciously, fraudulently, and oppressively, in bad faith, with the wrongful intention of
25 injuring PLAINTIFFS, from an improper and evil motive amounting to malice, and/or in
26 conscious disregard of PLAINTIFFS' rights. Thus, PLAINTIFFS are entitled to an award of
27 exemplary and punitive damages according to proof at trial.

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107. PLAINTIFFS also pray for reasonable costs and attorney fees against CDP, and DOES 1 through 50, and each of them, as allowed by California Government Code Section 12940 for the PLAINTIFFS' prosecution of this action in reference to the time the PLAINTIFFS' attorneys spent pursuing this cause of action.

FIFTH CAUSE OF ACTION
WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

(PLAINTIFF ALTON Against CDP, and DOES 1 through 50)

108. PLAINTIFF ALTON realleges each and every allegation in the preceding paragraphs with the same force and effect as though fully set forth herein.

109. Under California law, no employee, whether they are an at-will employee, or an employee under a written or other employment contract, can be terminated or subjected to an adverse action for a reason that is in violation of a fundamental public policy.

110. PLAINTIFF ALTON is informed and believes, and based thereon alleges, that CDP, and DOES 1 through 50, and each of them, terminated his employment because of he protested sexual harassment and discrimination. Thus, PLAINTIFF ALTON'S termination was in violation of the public policy of the State of California and the United States imposing general business duties with which every business entity must comply. CDP'S, and DOES 1 through 50, and each of their, conduct violated FEHA, codified in Government Code Section 12940 *et seq.*

111. As a proximate result of CDP'S, and DOES 1 through 50, and each of their, conduct, PLAINTIFF ALTON has sustained and will continue to sustain economic damages in the form of lost wages and benefits, future lost wages and benefits, lost business and professional opportunities.

112. In addition, PLAINTIFF ALTON has sustained emotional and mental damages as a result of his anxiety, loss of self-esteem, loss of self-confidence, embarrassment, humiliation, worry and mental distress, all in an amount that is not currently known, but capable of proof at trial and within the jurisdictional limits of this court.

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113. CDP'S, and DOES 1 through 50, and each of their, supervisory agents acted with malice, oppression, deceit, and with the intent to injure PLAINTIFF ALTON, or in reckless disregard of PLAINTIFF ALTON'S rights. CDP, and DOES 1 through 50, and each of them, authorized and ratified the conduct of its officers, directors and managing agents who maliciously engaged in the despicable act of terminating PLAINTIFF ALTON in conscious disregard of his right to be free of discrimination. PLAINTIFF ALTON is therefore entitled to punitive and exemplary damages. PLAINTIFF ALTON prays for punitive damages against CDP, and DOES 1 through 50, and each of them, in an amount to be determined at the time of trial, that is sufficiently high to punish CDP, and DOES 1 through 50, and each of them, deter them from engaging in such conduct in the future, and to make an example of them to others.

SIXTH CAUSE OF ACTION

ASSAULT

(All PLAINTIFFS Against BAUMAN and the CDP, and DOES 1 through 50)

114. PLAINTIFFS reallege each and every allegation in the preceding paragraphs with the same force and effect as though fully set forth herein.

115. BAUMAN and the CPD, and DOES 1 through 50, and each of them, intentionally engaged in conduct that caused PLAINTIFFS to reasonably believe that they were about to be touched or harmed in an offensive manner. As mentioned above, BAUMAN repeatedly touched PLAINTIFFS WILL and ALTON. Additionally, the behavior of the men on the bus tour reasonably made PLAINTIFF KATE fear that she was about to be touched in a harmful and offensive manner.

116. A reasonable person in PLAINTIFFS' position would have been offended by the threatened touching or harm.

117. PLAINTIFFS did not consent to BAUMAN's and the CDP's, and DOES 1 through 50, and each of their, conduct and such conduct caused their harm, including but not limited to emotional distress and anxiety.

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118. As a direct and proximate result of BAUMAN's and the CDP's, and DOES 1 through 50, and each of their, unlawful acts or omissions, PLAINTIFFS have suffered, and continues to suffer, extreme and severe anguish, humiliation, emotional distress and mental suffering, nervousness, tension, anxiety, depression, and physical ailments, in a sum within the jurisdiction of this court, to be ascertained according to proof.

119. As a further proximate result of the aforementioned wrongful conduct, PLAINTIFFS have had to employ the services of attorneys to pursue their legal rights, to PLAINTIFFS' damage in an amount unknown at this time, but according to proof at trial.

120. The grossly reckless, and/or intentional, malicious, and bad faith manner in which BAUMAN and the CDP, and DOES 1 through 50, and each of them, engaged in those acts as described in this cause of action entitles PLAINTIFFS to punitive damages against BAUMAN and the CDP, and DOES 1 through 50, and each of them, in an amount within the jurisdiction of this court, to be ascertained by the fact finder, that is sufficiently high to punish BAUMAN and the CDP, and DOES 1 through 50, and each of them, and deter them from engaging in such conduct again, and to make an example of them to others.

SEVENTH CAUSE OF ACTION

BATTERY/SEXUAL BATTERY

(WILL and ALTON Against BAUMAN, and DOES 1 through 50)

121. PLAINTIFFS reallege each and every allegation in the preceding paragraphs with the same force and effect as though fully set forth herein.

122. As detailed above BAUMAN: (1) physically touched PLAINTIFFS ALTON and WILL; (2) acted with the intent of, and actually caused, a harmful and sexually offensive contact with intimate parts of PLAINTIFFS ALTON'S and WILL'S body; and (3) caused apprehension in PLAINTIFFS ALTON and WILL that a harmful and/or sexually offensive contact with their intimate body parts would occur.

123. Such conduct was offensive to PLAINTIFFS ALTON and WILL and without their consent. Moreover, a reasonable person in PLAINTIFFS ALTON'S and WILL'S position would

1 find the conduct offensive as it offended a reasonable sense of personal dignity.

2 124. As BAUMAN'S employer, the CDP is vicariously liable for BAUMAN'S
3 conduct. The CDP, and DOES 1 through 50, and each of them, was aware of BAUMAN'S
4 conduct because he engaged in similar behavior against other male interns and employees.
5 Instead of taking action to protect employees, the CDP turned a blind eye towards BAUMAN'S
6 conduct or worked to silence employees who complained against BAUMAN. For this additional
7 reason, the CDP, and DOES 1 through 50, and each of them, is liable for BAUMAN'S conduct.

8 125. As a direct and proximate result of BAUMAN'S and the CDP'S, and DOES 1
9 through 50, and each of their, unlawful acts or omissions, PLAINTIFFS ALTON and WILL have
10 suffered, and continue to suffer, extreme and severe anguish, humiliation, emotional distress and
11 mental suffering, nervousness, tension, anxiety, depression, and physical ailments, in a sum
12 within the jurisdiction of this court, to be ascertained according to proof.

13 126. As a further proximate result of the aforementioned wrongful conduct,
14 PLAINTIFFS ALTON and WILL have had to employ the services of attorneys to pursue their
15 legal rights, to PLAINTIFFS ALTON'S and WILL'S damage in an amount unknown at this time,
16 but according to proof at trial.

17 127. The grossly reckless, and/or intentional, malicious, and bad faith manner in which
18 BAUMAN, the CDP, and DOES 1 through 50, and each of them, engaged in those acts as
19 described in this cause of action entitles PLAINTIFFS ALTON and WILL to punitive damages
20 against BAUMAN, the CDP, and DOES 1 through 50, and each of them, in an amount within the
21 jurisdiction of this court, to be ascertained by the fact finder, that is sufficiently high to punish
22 BAUMAN, the CDP, and DOES 1 through 50, and each of them, deter them from engaging in
23 such conduct again, and to make an example of them to others.

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EIGHTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(KATE Against BAUMAN and CDP, and DOES 1 through 50)

128. PLAINTIFFS reallege each and every allegation in the preceding paragraphs with the same force and effect as though fully set forth herein.

129. BAUMAN and the CDP, and DOES 1 through 50, and each of them, were aware of how traumatized PLAINTIFF KATE was as a result of the sexual assault she suffered while a minor in college. PLAINTIFF KATE cried in CDP's HR Manager's office stating how the conduct on the bus tour brought back the painful memories of her assault in college at Pacific. PLAINTIFF KATE told CDP's HR Manager that she was having an episode of post-traumatic stress disorder as a result of the flashbacks brought to mind by the conduct on the bus tour. Instead of making efforts to resolve PLAINTIFF KATE'S complaints and distress, BAUMAN and the CDP, and DOES 1 through 50, and each of them, intentionally sought to cause PLAINTIFF KATE to suffer more emotional distress by purposefully hiring the attorneys (Delfino Madden) that represented Pacific in PLAINTIFF KATE'S sexual assault lawsuit against Pacific.

130. Delfino Madden's conduct during the Pacific lawsuit was so distressing to PLAINTIFF KATE, she agreed to resolve her lawsuit within one week of obtaining discovery requests from Delfino Madden which showed Delfino Madden intended to drag PLAINTIFF KATE through the mud and accuse PLAINTIFF KATE of causing her own rape. As soon as PLAINTIFF KATE learned that Delfino Madden was representing CDP in its investigation of her complaints against BAUMAN, PLAINTIFF KATE began unraveling. The CDP was made aware of PLAINTIFF KATE'S distress from friends of PLAINTIFF KATE who informed CDP's Vice Chair Daraka Larimore-Hall. PLAINTIFF KATE also emailed CDP's Vice Chair Daraka Larimore-Hall to inform him of her distress and to request that different counsel be obtained. The CDP failed to take any action to relieve PLAINTIFF KATE'S distress because her distress was the point in hiring Delfino Madden to oversee this investigation and advise the CDP on how to handle the allegations.

1 131. Additionally, BAUMAN and the CDP, and DOES 1 through 50, and each of them,
2 acted outrageously, recklessly, and intentionally subjected PLAINTIFF KATE to emotional
3 distress by failing to protect PLAINTIFF KATE from the sexual harassment and assault of
4 BAUMAN and several other employees at the CDP including but not limited to Kelly and
5 Weitzman. Given BAUMAN'S and the CDP'S, and DOES 1 through 50, and each of their,
6 knowledge about PLAINTIFF KATE'S emotional state, BAUMAN and the CDP, and DOES 1
7 through 50, and each of them, acted outrageously, recklessly, by retaliating against PLAINTIFF
8 KATE by hiring Delfino Madden for complaining about sexual harassment and assault.

9 132. In doing the acts herein alleged, in all parts of this complaint, BAUMAN and the
10 CDP, and DOES 1 through 50, and each of them, acted outrageously with the intent of causing
11 (or with reckless disregard of the probability of causing) severe emotional distress to PLAINTIFF
12 KATE.

13 133. The actions of BAUMAN and the CDP, and DOES 1 through 50, and each of
14 them, directly and proximately resulted in PLAINTIFF KATE suffering and continuing to suffer,
15 extreme and severe anguish, humiliation, embarrassment, emotional distress, mental suffering,
16 nervousness, tension, anxiety, and depression, and causing PLAINTIFF KATE to incur future
17 medical bills, all to PLAINTIFF KATE'S detriment in a sum within the jurisdiction of this court,
18 to be ascertained according to proof.

19 134. As a direct, foreseeable, and proximate result of the actions of BAUMAN and the
20 CDP, and DOES 1 through 50, and each of them, PLAINTIFF KATE has suffered, and continues
21 to suffer emotional suffering and grief, all to PLAINTIFF KATE'S damage, in a sum within the
22 jurisdiction of this court, to be ascertained according to proof.

23 135. As a direct, foreseeable, and proximate result of BAUMAN'S and the CDP's, and
24 DOES 1 through 50, and each of their, actions which were intentional, malicious, oppressive, and
25 made in a bad faith manner in an attempt to vex, injure, annoy, and/or willfully and consciously
26 disregard PLAINTIFF KATE'S rights by taking the actions alleged in this cause of action,
27 PLAINTIFF KATE prays for punitive damages against BAUMAN and the CDP, and DOES 1
28 through 50, and each of them, in a sum within the jurisdiction of this court, to be ascertained,

1 according to proof, in a sufficiently large amount to punish BAUMAN and the CDP, and DOES 1
2 through 50, and each of them, deter future conduct by BAUMAN and the CDP, and DOES 1
3 through 50, and each of them, and others behaving like them, and to make an example of
4 BAUMAN and the CDP, and DOES 1 through 50, and each of them.

5
6 **NINTH CAUSE OF ACTION**

7 **NEGLIGENT SUPERVISION AND RETENTION**

8 (All PLAINTIFFS Against CDP, and DOES 1 through 50)

9 136. PLAINTIFFS reallege each and every allegation in the preceding paragraphs with
10 the same force and effect as though fully set forth herein.

11 137. PLAINTIFFS are informed and believe and based thereon allege that in doing the
12 acts as heretofore alleged, the CDP, and DOES 1 through 50, and each of them, knew, or in the
13 exercise of reasonable diligence should have known, that the employees who committed the
14 harassing and discriminatory acts alleged above, including BAUMAN, Kelly and Weitzman,
15 were incompetent and unfit to perform the duties for which they were employed, and that an
16 undue risk to persons such as PLAINTIFFS would exist because of the employment. Despite this
17 advance knowledge, the CDP, and DOES 1 through 50, and each of them, retained the employees
18 responsible for the acts described above in conscious disregard of the rights and well-being of
19 others, including PLAINTIFFS. The CDP, and DOES 1 through 50, and each of them, had a duty
20 to properly supervise their managers and employees, which they failed to do, resulting in the
21 assault, sexual assault and battery, intentional infliction of emotional distress, discrimination,
22 harassment and retaliation, alleged above.

23 138. As a result of their conscious disregard of the rights of PLAINTIFFS, the CDP,
24 and DOES 1 through 50, and each of them, are liable to PLAINTIFFS for the acts of their
25 employees, and each of them, as well as for the damages alleged herein, including punitive
26 damages.

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WHEREFORE, PLAINTIFFS pray for judgment as follows:

1. For payment of past and future lost wages, commissions, bonuses and benefits;
2. For other compensatory damages according to proof at trial;
3. For general, economic, non-economic and special damages according to proof at trial;
4. For punitive damages as allowed by law and according to proof at trial;
5. For pre-judgment interest at the prevailing legal rate;
6. For PLAINTIFFS' costs;
7. For reasonable attorneys' fees, according to proof; and
8. For such other and further relief as this Court deems just and proper.

DATED: January 7, 2019.

LAW OFFICE OF ESPERANZA CERVANTES ANDERSON

By: 

Esperanza Cervantes Anderson, Esq.
Attorney for Plaintiffs

KATHERINE P. EARLEY; WILLIAM
RODRIGUEZ-KENNEDY and ALTON WANG

REQUEST FOR JURY TRIAL

PLAINTIFFS hereby request a trial by jury for all claims and issues so triable.

DATED: January 7, 2019.

LAW OFFICE OF ESPERANZA CERVANTES ANDERSON

By: 

Esperanza Cervantes Anderson, Esq.
Attorney for Plaintiffs

KATHERINE P. EARLEY; WILLIAM
RODRIGUEZ-KENNEDY and ALTON WANG

EXHIBIT A



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

January 7, 2019

RE: Notice of Filing of Discrimination Complaint
DFEH Matter Number: 201901-04703905
Right to Sue: Earley / California Democratic Party et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
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<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

January 7, 2019

Katherine Earley
2574 Millcreek Drive 170
Sacramento, California 95833

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201901-04703905
Right to Sue: Earley / California Democratic Party et al.

Dear Katherine Earley,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective January 7, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

1 discrimination or harassment complaint and as a result was asked impermissible
2 non-job-related questions, denied a work environment free of discrimination and/or
3 retaliation.

4 **Additional Complaint Details:** Complainant was subjected to a hostile work
5 environment because of her sex/gender, and sexual orientation. Complainant was
6 asked inappropriate non-job related questions regarding her health, reproductive
7 health, sexual activities outside of work. Complainant was also placed in close
8 contact with drunk men who were openly discussing their sexual exploits and
9 making sure Complainant knew they were leering at her and other female workers.
10 When Complainant complained, employer retaliated against her by among other
11 things hiring a law firm employer knew was perceived by Complainant as being
12 threatening and harassing towards her. Employer also initiated a false investigation
13 for the purpose of intimidating Complainant from pursuing a legal action against
14 employer.
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1 VERIFICATION

2 I, **Esperanza Cervantes Anderson**, am the **Attorney** in the above-entitled complaint.
3 I have read the foregoing complaint and know the contents thereof. The matters
4 alleged are based on information and belief, which I believe to be true.

5 On January 7, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, California

EXHIBIT B



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

January 7, 2019

RE: Notice of Filing of Discrimination Complaint

DFEH Matter Number: 201901-04704105

Right to Sue: Rodriguez-Kennedy / California Democratic Party et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
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<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

January 7, 2019

William Rodriguez-Kennedy
1281 9th Avenue 3603
San Diego, California 92101

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 201901-04704105
Right to Sue: Rodriguez-Kennedy / California Democratic Party et al.

Dear William Rodriguez-Kennedy,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective January 7, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

1 discrimination or harassment complaint and as a result was asked impermissible
2 non-job-related questions, denied a work environment free of discrimination and/or
3 retaliation.

4 **Additional Complaint Details:** Complainant was subjected to a hostile work
5 environment because of his sex/gender and sexual orientation. Complainant was
6 asked inappropriate non-job related questions by Bauman regarding his sexual
7 relationships and positions during sex. Complainant was also touched repeatedly by
8 his boss, Bauman, and also subjected to threatening behavior from Bauman. When
9 Complainant complained, employer initiated a false investigation designed to
10 intimidate Complainant from pursuing legal action against Employer and Bauman.
11 Employer retained a law firm which employees perceived to be threatening and
12 harassing towards persons like Complainant who opposed harassment and
13 discrimination.
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1 VERIFICATION

2 I, **Esperanza Cervantes Anderson**, am the **Attorney** in the above-entitled complaint.
3 I have read the foregoing complaint and know the contents thereof. The matters
4 alleged are based on information and belief, which I believe to be true.

5 On January 7, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Pasadena, California**
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EXHIBIT C



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

January 7, 2019

RE: Notice of Filing of Discrimination Complaint
DFEH Matter Number: 201812-04647631
Right to Sue: Wang / California Democratic Party et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

January 7, 2019

Alton Wang
5628 Glickman Avenue
Temple City, California 91780

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201812-04647631
Right to Sue: Wang / California Democratic Party et al.

Dear Alton Wang,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective January 7, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**
7 Alton Wang

DFEH No. 201812-04647631

8 Complainant,
9 vs.

10 California Democratic Party
11 1830 9th Street
12 Sacramento, California 95811

13 Eric Bauman
14 12777 Victory Blvd
15 North Hollywood, California 91606

16 Respondents

17 1. Respondent **California Democratic Party** is an **employer** subject to suit under
18 the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et
19 seq.).

20 2. Complainant **Alton Wang**, resides in the City of **Temple City** State of **California**.

21 3. Complainant alleges that on or about **January 4, 2019**, respondent took the
22 following adverse actions:

23 **Complainant was harassed** because of complainant's sex/gender, sexual
24 orientation, sexual harassment- hostile environment, sexual harassment- quid pro
25 quo.

26 **Complainant was discriminated against** because of complainant's sex/gender,
27 sexual orientation, sexual harassment- hostile environment, sexual harassment-
28 quid pro quo and as a result of the discrimination was asked impermissible non-job-
related questions, denied a work environment free of discrimination and/or
retaliation.

1 **Complainant experienced retaliation** because complainant reported or resisted
2 any form of discrimination or harassment, participated as a witness in a
3 discrimination or harassment complaint and as a result was asked impermissible
4 non-job-related questions, denied a work environment free of discrimination and/or
5 retaliation.

6 **Additional Complaint Details:** Complainant was subjected to a hostile work
7 environment because of his sex/gender and sexual orientation. Complainant was
8 asked inappropriate non-job-related questions by his boss, Bauman, which led
9 Complainant to believe Bauman was flirting with him and also made it seem that
10 Complainant's future employment was contingent on Complainant acquiescing to
11 Bauman's advances. Complainant was also touched inappropriately several times by
12 Bauman. When employees complained, employer initiated a false investigation
13 designed to intimidate Complainant and others from pursuing legal action against
14 Employer and Bauman. Employer retained a law firm which employees perceived to
15 be threatening and harassing towards persons like Complainant who opposed
16 harassment and discrimination. When Complainant complained directly of Bauman's
17 advances, he was terminated.

1 VERIFICATION

2 I, **Esperanza Cervantes Anderson**, am the **Attorney** in the above-entitled complaint.
3 I have read the foregoing complaint and know the contents thereof. The matters
4 alleged are based on information and belief, which I believe to be true.

5 On January 7, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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